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C O N F I D E N T I A L SECTION 01 OF 02 PRETORIA 004726

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FOR AF/C, AF/S

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TAGS: [PREL](#) [BU](#) [SF](#)

SUBJECT: VAN ECK SAYS FNL LOSING FAITH IN CEASEFIRE
AGREEMENT

REF: A. TRENKLE-CARROLL EMAIL OF 11/8/06

[1](#)B. BUJUMBURA 937

[1](#)C. PRETORIA 3420 AND PREVIOUS

Classified By: Deputy Chief of Mission Don Teitelbaum.
Reasons 1.4(b) and (d).

[1](#)1. (C) SUMMARY. ISS Burundi Analyst Jan van Eck says the Palipehutu-FNL is losing faith in the Burundi peace process and is "at the point of declaring the ceasefire agreement dead." At an ISS seminar in Pretoria November 14, van Eck outlined the FNL's major concerns: problems with the immunity law and JVMM decrees, and lack of trust in the GOB. He urged the South African Mediation to act to prevent the Ceasefire Agreement's collapse. South African Special Envoy Mamabolo reported that the Mediator, Minister Ngakula, plans to return to the region soon. Mamabolo noted that the FNL had some legitimate concerns, but urged them to return to Bujumbura and deal with the issues through the JVMM. Acting UNSRSG Satti said that he believes the FNL is "dragging their feet" because they are uncertain about their political future. END SUMMARY.

FNL Losing Patience

[1](#)2. (SBU) Speaking at a closed November 14-15 Burundi seminar sponsored by the Institute for Security Studies (ISS) and the Embassy of the Netherlands in Pretoria (Ref A), ISS analyst Jan van Eck claimed that the Palipehutu-FNL is "at the point of declaring the ceasefire agreement dead." Van Eck, who just returned from three days of meetings with the FNL in Dar es Salaam, stressed that unless "dramatic action" is taken by the Mediation and Regional Peace Initiative, the September 7 Comprehensive Ceasefire Agreement will not survive. Van Eck strongly urged the South Africa Mediator, Minister for Safety and Security Charles Ngakula, to meet with the FNL leadership as soon as possible to salvage the process.

[1](#)3. (SBU) Van Eck outlined the major stumbling blocks to implementation of the Ceasefire Agreement from the FNL perspective:

-- Immunity: Even though the Burundian Parliament passed a law granting provisional amnesty to the FNL (Ref B), the FNL objects to several provisions in the law. For example, it does not accept that amnesty should only last until the Truth and Reconciliation and Special Tribunal for Burundi are put in place. It also objects to the absence of its full party name (Palipehutu-FNL) in the decree, rejecting the GOB contention that the political party law prohibits the registration of parties with "Hutu" in their name. Van Eck says the party name issue is a major problem that should be negotiated now, not later.

-- Joint Verification and Monitoring Mechanism (JVMM): The FNL rejects the GOB's unilateral issuance of decrees on the workings of the JVMM without consultations with them. In their view, clauses in the decrees directly contradict agreements in the Ceasefire Agreement.

-- Lack of Trust: More broadly, van Eck stressed that the internal human rights situation in Burundi is undermining FNL confidence in the peace process. If the GOB can strip former President Domitien Ndayizeye of his immunity and throw him in jail with common criminals, why should the FNL not expect similar treatment?

¶4. (SBU) Van Eck emphasized that the FNL wants direct talks with the GOB to deal with these issues before they will return to Bujumbura and begin implementation of the Ceasefire Agreement. He warned ominously that an "anti-government alliance" is beginning to form, with the FNL emerging as the "military wing of the internal opposition." The ability of the FNL to destabilize Burundi is "consistently underestimated."

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Mediation Focused on JVMM

¶5. (SBU) South Africa believes that the Joint Verification and Monitoring Mechanism (JVMM) is the appropriate forum for addressing the FNL's concerns, according to Department of Foreign Affairs Special Envoy for the Great Lakes Region Kingsley Mamabolo. Ambassador Mamabolo agreed that there are "loopholes" in the immunity law and that the "JVMM decrees need to be corrected." But unless the FNL engages in the process it will not be able to resolve the issues. Mamabolo said that the Facilitation is tired of dealing with the complaints of both parties, who should be meeting directly to solve their problems.

¶6. (SBU) Mamabolo dismissed the FNL's immunity rationale for not returning to Burundi, noting that the FNL had already sent an advance team to Burundi and that the Mediation and AU had promised to guarantee their safety. The FNL leadership "would not be in danger" if they returned to Bujumbura.

¶7. (SBU) Mamabolo said that the Mediator, Minister Ngakula, planned to return to Burundi and Tanzania in the near future. He stressed that despite the frustrations South Africa is not "throwing in the towel," because peace in Burundi is essential for the region, and the FNL is the "one missing piece in the Burundi jigsaw." Their continued exclusion from the peace process hampers development and progress in Burundi.

AU and UN Perspective

¶8. (SBU) Acting UN Special Representative of the Secretary General Ambassador Nureldin Satti said that he believed the FNL was "dragging its feet on implementation" of the Ceasefire Agreement. The substantive issues -- on immunity or the JVMM -- could have been solved if they wanted. Satti believes the FNL is unsure about its future and reluctant to

"take the plunge." Ambassador Mamadou Bah, Special Representative of the African Union, urged the international community to press the FNL to join the process, noting that the CNDD-FDD returned to Bujumbura without explicit immunity guarantees. He expressed concern that the FNL "is being used" by the political opposition in Burundi to strengthen their position.

Comment

¶9. (C) As we have reported previously (Ref C), van Eck has worked closely with the FNL since 1999 and is sympathetic to their views. (One South African think tank analyst, Che Ajulu of the Institute for Global Dialogue, called van Eck the "FNL's number one lobbyist.") According to several sources, van Eck retains significant influence with the FNL leadership, particularly Agathon Rwasa. Van Eck has used similarly dramatic language about the FNL pulling out of the peace process in the past, so it is difficult to judge from Pretoria the seriousness of the FNL threats. South African Great Lakes Special Envoy Mamabolo listens to van Eck's advice, although by no means agrees with everything he says.

¶10. (C) Mamabolo's report that the Facilitator, Minister Ngakula, is returning to the region is good news. Ngakula has not devoted as much energy or time to the Burundi peace process as his predecessor, former Deputy President Jacob Zuma -- who for all his domestic legal and ethical problems received rave reviews for his Burundi mediation efforts. Ngakula, by contrast, does not know the Great Lakes region as well and is preoccupied with South Africa's serious domestic crime problem.
BOST